

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

<p>IN RE CATTLE ANTITRUST LITIGATION</p> <p><i>This document relates to:</i></p> <p>ALL CASES</p>	<p>Civil No. 19-cv-1222 (JRT/HB)</p> <p><b>ORDER REGARDING BRIEFING ON DISPOSITIVE MOTIONS</b></p>
<p>KENNETH PETERSON, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>JBS USA FOOD COMPANY HOLDINGS, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 19-cv-1129 (JRT/HB)</p>
<p>IN RE DPP BEEF LITIGATION</p> <p><i>This document relates to:</i></p> <p>ALL CASES</p>	<p>Civil No. 20-cv-1319 (JRT/HB)</p>
<p>ERBERT &amp; GERBERT’S, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>JBS USA FOOD COMPANY HOLDINGS, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 20-cv-1414 (JRT/HB)</p>

This matter is before the Court on the parties’ Joint Letter regarding the structure of briefing and word limits, filed in *In re Cattle Antitrust Litigation*, Case No. 19-cv-1222 (JRT/HB), *Peterson v. JBS USA Food Co. Holdings*, Case No. 19-cv-1129 (JRT/HB), *In re DPP Beef Litigation*, Case No. 20-cv-1319 (JRT/HB), and *Erbert & Gerbert’s v. JBS USA Food Co. Holdings*, Case No. 20-cv-1414 (JRT/HB) (hereafter “the Actions”) (Jt. Ltr. [Doc. No. 317<sup>1</sup>].) The joint letter relates to the Defendants’ anticipated motions to dismiss the amended complaints filed in the Actions. The Court ordered the parties in all of the Actions to meet and confer on a common structure and word limits for their respective submissions. (Nov. 30, 2020, Order [ECF No. 304].)

The parties report that they have agreed on a proposed briefing structure but disagree on word limits. (Jt. Ltr. at 1.) Defendants argue for 50,000 words total per side for the parties’ joint “omnibus” briefs<sup>2</sup> on federal and state law claims, and 8500 words total per side (9000 for the JBS Defendants) for Defendant-specific briefing. They point out that in the prior round of motions to dismiss, Defendants had 27,000 words total for two sets of omnibus briefs, and that there are now four amended complaints in play rather than only two, and those amended complaints are longer than the complaints that were in issue in the prior round. (*Id.* at 2.)

Plaintiffs advocate for a limit of 18,000 words total per side for the parties’ joint briefs, and 4000 words total per side (5000 for the JBS Defendants) for Defendant-

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<sup>1</sup> For convenience, the Court will cite to the docket in *In re Cattle*.

<sup>2</sup> The parties explain that “omnibus” briefing would be filed jointly by (and in response to) all Defendants and would address arguments applicable to all four cases.

specific briefing. They argue that the Court has already had the benefit of extensive briefing and issued thorough rulings in the prior round of motions. Among other things, they suggest the parties “may be able to conserve pages by citing back to their prior discussion of the applicable case law.” (*Id.* at 3.)

After consideration of the parties’ positions and arguments and consultation with the Honorable John R. Tunheim, United States District Judge, and based upon all of the files and proceedings herein,

**IT IS HEREBY ORDERED:**

**1. Omnibus briefing:**

Defendants’ joint opening and joint reply brief on federal law claims will not exceed 25,000 words total, and Plaintiffs’ response to Defendants’ joint opening brief on federal law claims will not exceed 25,000 words.

Defendants’ joint opening and joint reply brief on state law claims will not exceed 17,000 words total, and Plaintiffs’ response to Defendants’ joint opening brief on state law claims will not exceed 17,000 words.

**2. Defendant-specific briefing:**

Each Defendant group’s separate opening and reply brief will not exceed 7500 words total, except that the JBS Defendants’ separate opening and reply brief will not exceed 8000 words total. Each Defendant group may file only one separate brief, which shall address applicable arguments for all four Actions. Plaintiffs’ response to each separate opening brief will not exceed 7500 words, except that their response to the JBS Defendants’ separate opening brief will not exceed 8000 words.

**3. All briefing will be in accordance with the deadlines established in the Court’s Order on Joint Stipulation for Amending Complaints and Setting Deadlines for Motions to Dismiss. (ECF No. 304 at 3.)**

Dated: January 21, 2021

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge